

REMARKS

In the Office Action dated January 27, 2003, claims 1-19 were pending. Claims 1-19 were rejected under 35 U.S.C. 102 and 103 in view of Dworkin (U.S. Patent No. 4,992,940) and Bezos et al. (U.S. Patent No. 6,029,141).

In this response, no claim has been cancelled. Claims 1, 5, 7, 9, and 15 have been amended. New claims 20-23 have been added. Thus, claims 1-23 are now pending. Applicant submits that the newly added claims are supported by the original specification, and thus no new matter has been added. Reconsideration of this application as amended is respectfully requested.

Rejections Under 35 U.S.C. §102(b)

Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Dworkin. Applicant respectfully submits that claims 1-23 include the limitations that are not disclosed or claimed by Dworkin and Bezos, individually or in combination. In particular, independent claim 1 recites as follows:

1. A method comprising:
initiating a transaction between an access device and a primary merchant capable of supplying goods associated with the transaction;
automatically creating a secure link between the primary merchant and at least one ancillary merchant when the primary merchant is unable to complete the transaction;
exchanging consumer information automatically between the primary and ancillary merchant via the secure link without an interaction of the consumer; and
completing the transaction by the ancillary merchant.

Independent claim 1 as amended includes limitations of initiating a transaction with a primary merchant capable of supplying the goods, automatically creating a secure link between the primary merchant and an ancillary merchant if the primary merchant is unable to supply such

goods, and exchanging the consumer information via the secure link without an interaction of the consumer. These limitations are absent from Dworkin.

Dworkin discloses a centralized server having multiple links to multiple suppliers. When a consumer logs on to the server, the server provides the catalog typed of information regarding the multiple suppliers and let the consumer to access to one of the suppliers to complete the transaction (see, Summary of Dworkin). Examiner contends that the server constitutes a primary merchant. Applicant respectfully disagrees. The system disclosed by Dworkin is not a merchant capable of supplying the goods associated with the transaction, as claimed in claim 1. Rather, it merely maintains a catalog regarding multiple suppliers.

In addition, Dworkin fails to disclose the limitation of automatically creating a secure link between the primary merchant with an ancillary merchant when the primary merchant is unable to complete the transaction and exchanging the consumer information via the secure link without an interaction from the consumer.

Furthermore, as claimed in claims 20-23, according to one embodiment, the consumer information includes bioinformation of the consumer which can be used to authenticate the consumer. This limitation is also absent from Dworkin.

Therefore, for reasons discussed above, independent claim 1 is not anticipated by Dworkin. Similarly, independent claims 7, 9, and 15 include similar limitations discussed above. Thus, for reasons similar to those discussed above, claims 7, 9, and 15 are not anticipated by Dworkin.

The rest of the claims depend from one of the above independent claims, thus include all of the distinct features of the respective independent claim, and therefore, for the reasons similar to those discussed above, are not anticipated by Dworkin. Withdrawal of the rejections is respectfully submitted.

Rejections Under 35 U.S.C. §103(a)

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dworkin in view of Bezos. Applicant submits that claims 1-23 of the present application include limitations not disclosed or taught by Dworkin or Bezos, individually or in combination.

Applicant submits that neither Dworkin nor Bezos, individually or in combination, discloses limitations of initiating a transaction with a primary merchant capable of supplying the goods, automatically creating a secure link between the primary merchant and an ancillary merchant if the primary merchant is unable to supply such goods, and exchanging the consumer information via the secure link without an interaction of the consumer.

Bezos discloses a Web referral server that provides associate catalogs having respective hyperlinks linking to the respective Web sites of suppliers (see, Summary of Bezos). Applicant submits that, in Bezos, a consumer has to specifically access the Web site of a supplier via the hyperlink (e.g., by clicking the link), which teaches away, rather than towards to, the present invention as claimed. Therefore, for reasons discussed above, independent claim 1 is patentable over Dworkin in view of Bezos.

Similarly, independent claims 7, 9, and 15 include similar limitations discussed above. Thus, for reasons similar to those discussed above, claims 7, 9, and 15 are patentable over Dworkin in view of Bezos.

The rest of the claims depend from one of the above independent claims, thus include all of the distinct features of the respective independent claim, and therefore, for the reasons similar to those discussed above, are patentable over Dworkin in view of Bezos. Withdrawal of the rejections is respectfully submitted.

CONCLUSION


In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

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